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FEDERAL COMMUNICATIONS COMMISSION
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Our File No.
0378-101-63

March 1, 1996

Mr. William F. Caton, Acting Secretary
Federal Communications Commission
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

RE: Comments and Request for Clarification
WT Docket No. 96-18, PP Docket No. 93-253
Interim Licensing Proposal

Dear Mr. Caton:

On behalf of Western Radio Services Co., Inc., enclosed herewith are an original and 4 copies of Comments and Request for Clarification submitted in the above-referenced proceedings.

Kindly communicate any questions directly to this office.

Yours very truly,

Amelia Brown

Amelia L. Brown

Enclosures (5)

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Before The
Federal Communications Commission
Washington, D.C. 20554

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In The Matter Of

Revision of Part 22 and Part 90
of the Commission's Rules to
Facilitate Future Development
of Paging Systems

Implementation of Section 309(j)
of the Communications Act --
Competitive Bidding

PP Docket No. 93-253

TO: The Commission

Comments and Request for Clarification

Western Radio Services Co., Inc. ("Western"), by its attorneys, respectfully files its Comments and Request for Clarification with respect to Part III.C. (Interim Licensing) of the Notice of Proposed Rule Making, released February 9, 1996 ("NPRM"), in the above-entitled matter. In support hereof, the following is submitted:

I. Identity and Interest

A. Western is a radio common carrier based at Bend, Oregon. It is the licensee of VHF and UHF two-way mobile channels and dedicated paging frequencies. Western serves extensive areas of Oregon. Autotel, a Western affiliate, serves Nevada.

B. The Interim Freeze, proposed in the NPRM, will preclude Western from expanding its one-way paging services within Central and Eastern Oregon, and could have an adverse impact on Western's

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primary business, which is the provision of two-way mobile radiotelephone service to largely rural areas of the Northwest.

Western is one of only a handful of Part 22 licensees who utilize two-way spectrum exclusively to offer and provide two-way mobile radiotelephone service.

II. Comments

A. The Commission Should Make Clear That The Freeze Does Not Apply to Licensees Who Provide Exclusive Two-Way Service.

3. Western believes that it was not the Commission's intent that the Freeze should reach licensees such as Western who use two-way spectrum solely to serve the communications requirements of two-way radiotelephone customers. Thus, because of the way it operates on certain of its UHF and VHF channels, Western is not a so-called common carrier paging ("CCP") operator.¹ If Western's interpretation of the nature and extent of the Interim Freeze is incorrect, the Commission should lift the freeze because it will adversely affect genuine two-way carriers, such as Western.

4. Specifically, it is in the public interest to lift the freeze if it applies to two-way carriers. Using a single common channel over a wide geographic area is not desirable for two-way service. Western frequently requires more than one channel at a site to handle the traffic load. Two-way base station sites are usually spaced within 100 miles of one another, which would cause co-channel interference if

¹ As noted previously, Western is the licensee of dedicated paging channels (e.g., 158.7, 158.1 MHz). To this extent, of course, it is a CCP operator.

the same frequency is used. Thus a freeze on applications for additional channels for two-way use will adversely impact or diminish Western's ability to serve the public.

5. The need for traditional radiotelephone services in rural areas, such as those served by Western, is growing. With the continuing influx of people to rural areas, mobile telephone service is becoming a more popular method of communicating. In some cases, fixed rural telephone is the only viable economic alternative to high wireline construction costs.

6. Radiotelephone fits a need that cellular does not. For example, cellular coverage in rural areas is focused on communities where wirelines are available and along major highways. In contrast, because traditional radiotelephone service provides greater coverage for less cost, it is a more reasonable alternative to cellular in more sparsely populated areas. Operating traditional radiotelephone base station sites from alternative power such as solar power is feasible, thus making more and better-placed sites available.

7. Sometimes it is necessary to relocate base stations to improve coverage as better sites become available, or to maintain system viability. For a CCP provider in a metro area with ten or more base stations, having to relocate one station is not a difficult project. However, where, as in the case of Western, a single two-way base station may serve customers within a 500 square mile area, these customers depend on that single station; restrictions on modifying licenses will prevent licensees from correcting service problems.

B. There is No Need for Geographic Licensing for Channels Outside of the 900 MHz Channels and the Impact of Doing So Will Be a Reduction in Quality and Quantity of Service To The Public.

8. The public interest is not served by geographic licensing on all bands, particularly the 150 and 450 MHz bands, as proposed in the NPRM, because there is no need to do so. In the NPRM, the Commission sought comment on the costs and benefits of converting paging to geographic licensing on each CCP frequency band. However, the NPRM noted that a conclusion in favor of geographic licensing would not require the adoption of identical rules in all paging bands.² Western believes it is inappropriate to convert to a geographic licensing system in the 150 and 450 MHz bands because, within Oregon alone, most frequencies are already allocated. Of those allocated, three are licensed to the same entity, and the other frequency is licensed to eight licensees.

9. Western recently approached two large CCP providers that have co-channel stations covering the heavily populated areas of Western Oregon about networking their systems for wider coverage. One was not interested because the frequency is licensed to others in other markets, and they saw little benefit in just adding Central Oregon. The other large CCP provider has actually discontinued service at some VHF locations. Both large carriers are building out wide area 900 MHz systems. There is no incentive for geographic licensees, who by virtue of economies of scale can monopolize a given

² See note 23 of NPRM.

geographic area, to share in the business with Incumbents if they are not forced to do so.

10. The NPRM suggests that current licenses ("Incumbents") could continue operating under existing authorizations with full power protection from interference if they did not obtain geographic licensing or merge/consolidate with a geographic licensee. However, Western asserts that coexistence between Incumbents and geographic licensees, especially in such rural areas as much of Western's service areas, would be impossible. The unserved areas will suffer if the Commission implements geographic licensing. An example is illustrative -- last summer Western brought paging service to a community that had none. The market potential is 30 to 40 pagers. Had Western not already been in the process of constructing a building and tower for two-way service, Western would not have been able to justify the investment in paging for such a small number of users. If Western were required to pay a geographic licensee for the right to use the frequency, that community would still be without paging service.

11. Incumbent CCP providers need the flexibility to modify their existing coverage areas outward as the communities they serve expand. CCP providers should not be placed in a position where their systems are held hostage by a geographic licensee who has no stations in the immediate area. One compromise would be to allow the incumbent to add stations so long as 50% or more of the proposed

coverage of the new facility overlapped the coverage provided by the existing station.

12. For the reasons stated above, Western urges the Commission to clarify that the freeze does not apply to licensees who provide exclusive two-way service. Moreover, Western urges the Commission not to adopt geographic licensing for CCP operators in the bands other than 900 MHz.

Respectfully submitted,

WESTERN RADIO SERVICES CO., INC.

A handwritten signature in cursive script, reading "Amelia Brown", written over a horizontal line.

Amelia L. Brown
Henry A. Solomon

Its Attorneys

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March 1, 1996